

SENATE BILL 1010

By Ford

AN ACT to amend Tennessee Code Annotated, Section 5-1-115 and Section 6-54-113, relative to removal of overgrown vegetation and of accumulated debris.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 5-1-115, is amended by adding the following language to the end of subsection (a):

A county shall only exercise the authority provided in this section to remedy the conditions described in subsection (b).

SECTION 2. Tennessee Code Annotated, Section 5-1-115(c), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1)

(a) If the person fails or refuses to remedy the condition within thirty (30) days of receiving notice pursuant to subsection (b), then the appropriate department or person may send out a second notice by certified or registered mail, return receipt requested, to the property owner of record that includes the elements provided in subsection (b). After ten (10) days of receipt of such second notice, if the person fails or refuses to remedy the condition, then the appropriate department or person may cause the condition to be remedied or removed at a cost that is not more than ten percent (10%) of the actual costs to remedy or remove such condition. Separate notices pursuant to this subdivision must be sent each time prior to the county dispatching equipment and personnel to remedy the condition.

SECTION 3. Tennessee Code Annotated, Section 6-54-113, is amended by deleting subsection (f) in its entirety and by substituting instead the following:

(f) A municipality shall only exercise the authority provided in this section to remedy the conditions described in subsection (b).

SECTION 4. Tennessee Code Annotated, Section 6-54-113(c), is amended in subdivision (1) by deleting the first sentence in its entirety.

SECTION 5. Tennessee Code Annotated, Section 6-54-113(c), is further amended by adding a new subdivision thereto, as follows:

(3) If the condition is not remedied within thirty (30) days of providing notice pursuant to subdivision (1), the appropriate department or person may send out a second notice by certified or registered mail, return receipt requested, to the property owner of record that includes the elements provided in subsection (b). After ten (10) days of receipt of such second notice, if the person fails or refuses to remedy the condition, then the appropriate department or person may cause the condition to be remedied or removed at a cost that is not more than ten percent (10%) of the actual costs to remedy or remove such condition.

Separate notices pursuant to this subdivision must be sent each time prior to the municipality dispatching equipment and personnel to remedy the condition.

SECTION 6. This act shall take effect July 1, 2005, the public welfare requiring it.